

REMARKS

Applicant respectfully requests reconsideration of this application as amended. No claims have been amended or cancelled. No new claims have been added. Therefore, claims 1-34 are presented for examination.

35 U.S.C. § 102 Rejection

Claims 1-34 are rejected under 35 U.S.C. §102(a) as being anticipated by Edwards, et al., U.S. Patent No. 6,539,501 ("Edwards").

Claim 1 recites:

A method of providing filtered unified logging, the method comprising:
receiving a message, the message having a predefined severity;
dropping the message if the message severity does not reach a threshold
severity;
applying one or more filters to the message if the message severity reaches
the threshold severity; and
sending the message to a destination if the message is not filtered out.
(emphasis added)

Applicant disagrees with the Examiner's characterization of the reference and the pending claims. The Examiner references col. 3, lines 29-36 of Edwards to find support for disclosing some of the limitations of claim 1. The referenced section of Edwards discloses a "severity parameter 22 indicates whether the log method is for an error message, warning or information. For instance, if the *software developer is inserting the log method trace statements into the source code 6* to debug an error, then the error severity level may be used. A message parameter 24 allows *the user to specify a particular message to display in the log file 14.*" (col. 3, lines 29-36; emphasis added).

In contrast, claim 1, in pertinent part, recites "receiving a message, the message having a predefined severity; dropping the message if the message severity does not reach a threshold severity; applying one or more filters to the message if the message

severity reaches the threshold severity; and sending the message to a destination if the message is not filtered out." (emphasis added). Nowhere in the referenced section or in Edwards "receiving a message, the message having a predefined severity" or "dropping the message if the message severity does not reach a threshold severity" of claim 1 (emphasis added) is taught. Merely using a *severity parameter to indicate an error* as disclosed by Edwards is not the same as receiving or dropping a message based on a severity threshold as recited by claim 1. Furthermore, Edwards does not teach or reasonably suggest "applying one or more filters to the message if the message severity reaches the threshold severity; and sending the message to a destination if the message is not filtered out" as recited by claim 1 (emphasis added). For example, the use of "*the user to specify a particular message to display*" is not the same as "sending the message to a destination" as recited by claim 1.

Finally, Applicant respectfully reminds the Examiner that anticipation under 35 U.S.C. Section 102 *requires every element of the claimed invention be identically shown in a single prior art reference.* The Federal Circuit has indicated that the standard for measuring lack of novelty by anticipation is strict identity. "For a prior art reference to anticipate in terms of 35 U.S.C. Section 102, *every element of the claimed invention must be identically shown in a single reference.*" In Re Bond, 910 F.2d 831, 15 USPQ.2d 1566 (Fed. Cir. 1990); emphasis added. Applicant submits that Edwards fails to identically show *every element* of claim 1. Since Edwards fails to show *every element* of claim 1, Edwards fails anticipate claim 1.

Accordingly, for at least the reasons stated above, Applicant respectfully requests the withdrawal of the rejection of claim 1 and its dependent claims.

Claims 11 and 25 include limitations similar to those of claim 1. Accordingly,

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Applicant respectfully requests the withdrawal of the rejection of claims 11 and 25 and their dependent claims.

Conclusion

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

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Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Request for an Extension of Time

Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

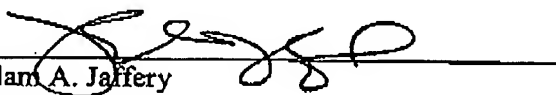
Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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